

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OPAL HARGER, *et al.*

Plaintiffs,

v.

U.S. DEPARTMENT OF LABOR,
and THE NATIONAL INSTITUTE
OF OCCUPATIONAL SAFETY
AND HEALTH,

Defendants.

NO. CV-06-5071-RHW

**ORDER GRANTING MOTION
TO DISMISS PLAINTIFF KING**

Before the Court is Defendants' Motion to Dismiss Claim of Kim King with Prejudice (Ct. Rec. 221). This motion was heard without oral argument. Defendants argue that they have awarded Plaintiff King full benefits in her reopened administrative claim, and that her claims before this court should therefore be dismissed. Plaintiff King agrees (Ct. Rec. 225).

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendants' Motion to Dismiss Claim of Kim King with Prejudice (Ct. Rec. 221) is **GRANTED**.

2. The claims of Plaintiff King is **DISMISSED with prejudice**. Plaintiff King is now dismissed from this matter.

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1 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
2 Order and to provide copies to counsel.

3 **DATED** this 9th day of April, 2009.

4 *S/ Robert H. Whaley*

5 **ROBERT H. WHALEY**
6 Chief United States District Judge

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